

**Judgment of the General Court of 16 October 2013 — Zoo Sport v OHIM — K-2 (zoo sport)**

(Case T-455/12) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community figurative mark ZOO Sport — Earlier Community word mark ZOOT and earlier Community figurative mark SPORTS ZOOT SPORTS — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2013/C 352/29)

Language of the case: English

**Parties**

*Applicant:* Zoo Sport Ltd (Leeds, United Kingdom) (represented by: I. Rungg, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* K-2 Corp. (Seattle, United States of America) (represented by: M. Graf, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 9 August 2012 (Case R 1395/2011-4), relating to opposition proceedings between K-2 Corp. and Zoo Sport Ltd.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Zoo Sport Ltd to pay the costs.

<sup>(1)</sup> OJ C 399, 22.12.2012.

**Action brought on 2 September 2013 — GEA Group v OHIM (engineering for a better world)**

(Case T-488/13)

(2013/C 352/30)

Language of the case: German

**Parties**

*Applicant:* GEA Group AG (Düsseldorf, Germany) (represented by J. Schneiders, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 21 March 2013 (Case R 0935/2012-4);
- Order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to pay the costs.

**Pleas in law and main arguments**

*Community trade mark concerned:* the word mark 'engineering for a better world' for goods and services in Classes 6, 7, 9, 11, 35, 37, 39, 41 and 42 — Community trade mark application No 10 244 416

*Decision of the Examiner:* the application was rejected

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 7(1)(b) of Regulation (EC) No 207/2009

**Action brought on 18 September 2013 — ASPA v OHIM — Banco Bilbao Vizcaya Argentaria (ARGENTARIA)**

(Case T-502/13)

(2013/C 352/31)

Language in which the application was lodged: English

**Parties**

*Applicant:* Argenta Spaarbank NV (ASPA) (Antwerp, Belgium) (represented by: K. De Winter and M. De Vroey, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

*Other party to the proceedings before the Board of Appeal:* Banco Bilbao Vizcaya Argentaria, SA (Madrid, Spain)

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 July 2013 given in Case R 1581/2011-4.